IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 15221 of 2005

Between:

N. Malavathi W/o. Ramudu, Fair Price Shop Dealer,
Shop No. 3 R/o. Rajavaram Village,
Korukonda (M), E.G.District.

..... PETITIONER

AND

1 The Joint Collector, E.G.District at Kakinada.
2 The Revenue Divisional Officer, Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Korukonda (M), E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any orders on the interlocutory application filed along with the appeal under the provision of A.P. State Public Distribution System Control Order, 2001 as illegal, arbitrary and unjust and consequently direct the respondents not to make any appointment on permanent basis in respect of Fair Price shop No.3 of Rajavaram Village, Korukonda Mandal, E.G. District.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORAL ORDER:

Against the order of the cancellation passed by the 2nd respondent-Revenue Divisional Officer on 2.6.2005, canceling his dealership, an appeal was preferred by the petitioner before the 1st respondent on 13.6.2005 along with a petition to stay the operation of the proceedings of the 2nd respondent-Revenue Divisional Officer. The petitioner contends that despite the fact that an appeal was preferred on 13.6.2005 and more than a month has elapsed, neither has the 1st respondent examined the appeal nor has he passed any order on the stay application filed by the petitioner.

2. Petitioner apprehends that inasmuch as no orders are passed either in the appeal or in the stay petition by the 1st respondent, the respondents-authorities are going to grant permanent dealership to some other person. She, therefore, seeks a direction to suspend the operation of the order passed by the Revenue Divisional Officer on 2.6.2005 and to grant interim directions to the respondents not to appoint a permanent dealer till the appeal is heard and disposed of by the 1st respondent.

3. Since the appellate authority, under the provisions of the 2001 Control Order, has been conferred the power to pass an order of stay pending disposal of the appeal, this Court would not, normally, interfere in such matters. There shall be a direction to the 1st respondent to consider the appeal filed by the petitioner and pass orders either in the appeal or in the stay petition filed by her, within a period of six (06) weeks from the date of receipt of a copy of this order.

4. Writ Petition is accordingly disposed of. No costs.

14.7.2005

SSR

Issue copy by Monday.

(BO)

To

1 The Joint Collector, E.G.District at Kakinada.
2 The Revenue Divisional Officer, Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Korukonda (M), E.G.District.

4 2 CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

6 1 CC to MR.VENKATESH

*Form-NIC-OGS/WP{**JGK**}*